

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE D. SCHREANE,

Plaintiff,

v.

JEFF THOMAS, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-1057

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, this 6th day of December, 2013, upon review of the Report and Recommendation of Magistrate Judge Thomas M. Blewitt (Doc. 44) for plain error or manifest injustice,¹ **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 44) to grant Defendants' Motion to Dismiss and for Summary Judgment (Doc. 24) as follows is **ADOPTED in its entirety**.
 - (A) Summary judgment is **GRANTED** in favor of Defendant HSA Brown on Plaintiff's denial of medical care claim.
 - (B) Summary judgment is **GRANTED** in favor of Defendants CO Barbella, SIA Heath, and Captain Enzel on all claims.
 - (C) Defendants Thomas, Simmons, Campbell, and Watts are **DISMISSED** from this action **with prejudice**.
 - (D) Plaintiff's constitutional claims regarding the incident reports are **DISMISSED with prejudice**.

¹ Plaintiff has filed an "Opposition to Defendant's Motion to Dismiss and for Summary Judgment," (Doc. 50), which the Court construes as objections to the Report and Recommendation. In these objections, however, Plaintiff simply repeats his claims that Defendants are liable for the alleged violations of his constitutional rights as set forth in the Complaint. Because these objections are not specific, *de novo* review of the Report and Recommendation is not warranted. *See Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir.1984) ("To obtain *de novo* determination of a magistrate's findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.").

- (E) Plaintiff's Eighth Amendment denial of medical care claim is **DISMISSED with prejudice**.
- (F) Plaintiff's First Amendment denial of access to the courts claim is **DISMISSED without prejudice**. Plaintiff has **twenty-one (21) days** from the date of entry of this Order to file an amended complaint stating a First Amendment denial of access to the courts claim. Failure to timely file an amended complaint will result in the dismissal of this action.
- (2) Plaintiff's Motion to Amend his Complaint to add a New Defendant (Doc. 39) is **DENIED**.
- (3) Defendants' Motion to Stay (Doc. 43) is **DENIED as moot**.
- (4) The matter is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.


A. Richard Caputo
United States District Judge